

Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 21-24, 30-34, and 40 stand rejected under 35 U.S.C. §103(a) in view of U.S. Patent Publication No. 2002/0120853 of Tyree ("Tyree").

Claims 25-28 and 35-38 stand rejected under 35 U.S.C. §103(a) in view of Tyree and U.S. Patent No. 7,055,823 of Denkewicz ("Denkewicz").

Claims 29 and 39 stand rejected under 35 U.S.C. §103(a) in view of Tyree.

Claims 30-40 are cancelled.

New claims 41-50 are added.

Applicant submits that amended claims 21-29 are not obvious in view of Tyree because Tyree does not disclose or suggest a method for providing a subscription to a computer-related service that is intended for use by individuals as claimed in amended claims 21-29. Instead, Tyree discloses a method for dealing with denial of service attacks. (Tyree, paragraph 0002). Tyree discloses three types of denial of service attacks (Tyree, paragraph 0009) none of which involves subscribing to a computer related service as claimed in amended claims 21-29.

The examiner has stated that the limitations in applicant's claims that are not taught specifically by Tyree are merely statements of intended use that are not given much patentable weight. (Page 2, paragraph numbered 4, Office Action, 1-24-07). Applicant respectfully submits that the limitation in amended claims 21-29 of "generating a communication that presents a stimulus that is perceptible by one or more human senses and poses a question that pertains to the stimulus in response to an attempt to subscribe to the computer-related service" is not a mere statement of intended use but an actual step in applicant's claimed method for providing a subscription to a computer-related service that is intended for use by individuals. It is

further submitted that *Tyree* does not teach or suggest generating a communication that presents a stimulus that is perceptible by one or more human senses and poses a question that pertains to the stimulus in response to an attempt to subscribe to the computer-related service as claimed in amended claims 21-29.

The examiner has stated that the method of *Tyree* could be used for preventing the creation of a spurious account. (Pages 2-3, paragraph numbered 4, Office Action, 1-24-07). The examiner bases this argument on the content of applicant's specification (Page 3, middle of page, Office Action, 1-24-07) rather than on the content of the prior art or on objective evidence of the knowledge of one of ordinary skill in the art. It is submitted that the teachings in *Tyree* for dealing with denial of service attacks would not motivate one of skill in the art to provide a subscription to a computer-related service that is intended for use by individuals. The only teaching of record that provides motivation for a subscription to a computer-related service that is intended for use by individuals is found in applicant's specification which is not prior art.

It is further submitted that amended claims 21-29 are not obvious in view of *Tyree* because *Tyree* does not disclose or suggest a question that is selected to exercise a capability of a human being to perform common sense reasoning with respect to a stimulus as claimed in amended claims 21-29. Instead, *Tyree* discloses a question that exercises a capability to parse a sentence and recognize a word in the sentence. (*Tyree*, paragraph 0046). The examiner has not cited a teaching in *Tyree* or elsewhere that states that parsing a sentence and recognizing a word is common sense reasoning as claimed in amended claims 21-29.

Claims 22-24 include the additional limitation of measuring a response time to a question and determining whether the response time is shorter than a response time of a human being.

Tyree does not teach or suggest this limitation. Instead, Tyree teaches determining whether a Turing test time is long enough to indicate that a machine under test is intelligent. (Tyree, paragraph 0108).

Claims 25-29 include the additional limitation of a question that is selected to exercise a capability of a human being to perform common sense reasoning with respect to a stimulus that depicts a living thing. Tyree does not teach or suggest this limitation. Denkewicz discloses a playing card game (Denkewicz, Abstract) rather than providing a subscription to a computer-related service that is intended for use by individuals as claimed in claims 25-29. One possessing an ordinary amount of skill in the art of computer-related services would not be motivated to combine the teachings in Tyree that pertain to denial of service attacks with the teachings in Denkewicz that pertain to card games. Even if a game taught by Denkewicz could be played on the Internet it is still a game and not a method for providing a subscription to a computer-related service that is intended for use by individuals as claimed in claims 25-29. Furthermore, the teaching in Tyree of parsing a sentence and recognizing a word in a sentence (Tyree, paragraph 0046) is not common sense reasoning with respect to a depicted living thing as claimed in amended claims 25-29 because a sentence is not a living thing.

Applicant also submits that new claims 41-46 are not obvious in view of the references cited by the examiner. New claims 41-46 include limitations similar to the limitations of amended claim 21. Therefore, the remarks stated above with respect to amended claim 21 also apply to new claims 41-46. In addition, new claims 42-45 include limitations similar to the limitations of amended claim 22 including determining whether a response time is shorter than a response time of a human being. Therefore, the remarks stated above with respect to amended claim 22 also apply to new claims 42-45.

Applicant submits that new claims 47-51 are not obvious in view of Tyree because Tyree does not disclose or suggest determining whether a response time to a question is shorter than a response time of a human being as claimed in new claims 47-51. Applicant has shown that Tyree does not disclose or suggest this limitation. Instead, Tyree teaches determining whether a Turing test time is long enough to indicate that a machine under test is intelligent. (Tyree, paragraph 0108).

It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable objections and rejections have been overcome.

Respectfully submitted,

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